IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2657 of 1992

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ. STATE ROAD TRANSPORT CORP - Petitioner(s)

Versus

KODARBHAI K PANCHAL - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

MR MUKESH H RATHOD for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 21/06/2005

ORAL JUDGMENT

1. This petition is directed against the order dated 25.10.1991 passed by the Labour Court, Ahmedabad in Reference (LCA) No. 22 of 1989, whereby the Labour Court had directed the petitioner Corporation to reinstate the respondent workman on his original post without back wages

and has further directed that his services shall be considered as continuous only for the purpose of terminal benefits, if any, and not for any other purpose.

2. Having perused the relevant record, it appears that the respondent had expired on 2nd March, 2001. Therefore, the grievance ventilated in this petition will not survive. However, the Labour Court had granted reinstatement without back wages and has directed to consider his services as continuous service only for the purpose of terminal benefits, if any. This Court, however, while admitting the matter, had refused to grant interim relief.

2.1. Now, since the respondent workman has expired, the question with regard to reinstatement and grant of back wages are not required to be considered. But, with regard to retirement benefits, the legal heirs of the deceased workman are entitled to receive the same. Hence, the petitioner Corporation is directed to pay all the retirement benefits to the legal heirs of the respondent workman if it is not paid so far.

3. With the above direction, the petition stands disposed of. Rule is discharged with no order as to costs. Liberty to apply in case of difficulty.

[K.S. JHAVERI, J.]

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